United States District Court Southern District of Texas

ENTERED

September 08, 2016 David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS GALVESTON DIVISION

J. B. DEGRASSA, JR.,	§	
	§	
	§	
Petitioner,	§	
	§	
V.	§	CIVIL ACTION NO. 3:15-CV-71
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER OF DISMISSAL

J. B. Degrassa filed a petition for federal habeas corpus relief under 28 U.S.C. § 2254 to challenge a conviction for stealing copper (Dkt. 1 at p. 2). The Respondent has filed a motion for summary judgment accompanied by the relevant records (Dkt. 12–14). Degrassa, although his deadline has long passed, has not responded. On June 15, 2016, the Court ordered Degrassa to file a response to the Respondent's motion within thirty days if he wished to continue to pursue habeas relief (Dkt. 15). Degrassa has been paroled, but the case is not moot; a parolee is still "in custody" under his unexpired sentence for federal habeas purposes. *See Maleng v. Cook*, 490 U.S. 488, 491 (1989).

Degrassa has shown no interest in pursuing this case. The Court may dismiss this action for want of prosecution under the inherent powers necessarily vested in a district court to manage its own affairs. FED. R. CIV. P. 41(b); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). It will now do so.

This case is **DISMISSED** without prejudice for want of prosecution. The docket will be closed. All pending motions are **DENIED** as moot. A certificate of appealability is **DENIED**.

It is so **ORDERED**.

The Clerk will provide a copy of this order to the parties.

SIGNED at Galveston, Texas, on South

. 2016

GEORGE C. HANKS, JR.

UNITED STATES DISTRICT JUDGE